

OFFICIAL COPY

Fresno, California

January 23, 2001

The City Council met in regular session at the hour of 9:00 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Daniel Ronquillo	Acting President - arrived at 9:15 a.m.
	Henry Perea	Council President

Bob Quesada Acting City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Cindy Hamby, Deputy City Clerk

Ms. Perguson from the First Baptist Church, gave the invocation.

Councilmember Duncan led the Pledge of Allegiance to the Flag.

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RESOLUTION OF COMMENDATION TO JAMES WASHBURN FOR 30 YEARS OF SERVICE TO THE CITY OF FRESNO

PROCLAMATION OF ELMA STERLING DAY

The above proclamation and resolution were read and presented.

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APPROVE MINUTES OF JANUARY 8 AND 9, 2001

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of January 8 and January 9, 2000, approved as submitted.

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## **APPROVE AGENDA:**

Councilmember Castillo requested item 5G be scheduled for 2:00 p.m.

City Clerk Klisch announced the Applicant for the 10:30 A.M. hearing requested the item be continued one week, the Redevelopment Agency 2:45 p.m. item "A" was removed from the agenda and under closed session the A.H.D.C. item laid over one week.

With Council concurrence, President Perea requested the 2:30 p.m. item be moved under the Redevelopment Agency agenda.

On motion of Councilmember Quintero, seconded by Councilmember Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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## **ADOPT CONSENT CALENDAR:**

**(1A-2) RESOLUTION NO. 2001-15 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF HERNDON AND BRAWLEY AVENUES - P.W. DEPT./ENGINEERING**

**(1A-3) RESOLUTION NO. 2001-16 - APPROVING A LICENSE AGREEMENT WITH THE FMC CORPORATION TO INSTALL A STEEL CASING, PIPES AND PVC CONDUITS IN THE PUBLIC RIGHT-OF-WAY OF CHURCH AVENUE AT SUNLAND AVENUE FOR GROUNDWATER REMEDIATION - P.W. DEPT./ENGINEERING**

**(1A-4) APPROVE ACQUISITION OF EASEMENT ON FRESNO COUNTY ASSESSOR'S PARCEL 418-201-26S, LOCATED AT THE NORTHEAST CORNER OF SHAW AND FRESNO FROM WILLARD AND BETTYE EISNER FOR \$4,600 - P.W. DEPT./ENGINEERING**

**1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS PERTAINING TO THE TRANSACTION**

**(1A-5) APPROVE CONTRACT CHANGE ORDER NO. 1 FOR A 45 WORKING DAY TIME EXTENSION FOR THE SANITARY SEWER LIFT STATION NO. 1 - P.W. DEPT./CAPITAL MGMT. DIVISION**

**1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE CONTRACT CHANGE ORDER NO 1 ON BEHALF OF THE CITY**

**(1A-6) APPROVE CONTRACT CHANGE ORDER NO. 8 FOR QUALITY CONTROL AND QUALITY ASSURANCE TESTING AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL AREA DEVELOPMENT, AIRSIDE/LANDSIDE, FAA AIP #22, 24, 25, 28, 29, 31 AND 32 IMPROVEMENT - AIRPORT DEPARTMENT**

**1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE CONTRACT CHANGE ORDER ON BEHALF OF THE CITY**

(1A-7) SUBMISSION FOR INFORMATIONAL PURPOSES OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORTS (“CAFR”) REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENT SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 2000 - RETIREMENT DIVISION

(1A-8) APPROVE AN AMENDMENT TO THE AGREEMENT AUTHORIZED BY COUNCIL ON AUGUST 18, 2000, WITH CONVERGENT GROUP TO PREPARE A STRATEGIC PLAN FOR THE EFFECTIVE UTILIZATION OF THE CITY’S GEOGRAPHICAL INFORMATION SYSTEMS (GIS) TO IMPROVE SERVICES, PUBLIC SAFETY, AND ECONOMIC DEVELOPMENT OPPORTUNITIES - DEPT. OF PUBLIC UTILITIES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE CONTRACT CHANGE ORDER ON BEHALF OF THE CITY

(1A-9) **RESOLUTION NO. 2001-17** - AUTHORIZING SUBMITTAL OF GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR \$50,000 WITH ADDITIONAL FUNDING OF \$88,500 PROVIDED FROM PROPOSITION 12 NON-COMPETITIVE PER-CAPITA BLOCK GRANT FUNDS FOR A TOTAL PROJECT BUDGET OF \$138,500 TO REFURBISH THE CHILDREN’S PLAY AREA AT HOLMES PLAYGROUND - PR & CS DEPT.

1. APPOINT THE PARKS AND RECREATION DIRECTOR, OR HIS/HER DESIGNATED AUTHORIZED REPRESENTATIVE, AS AGENT OF THE CITY OF FRESNO TO CONDUCT ALL NEGOTIATIONS AND EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, APPLICATIONS, AGREEMENTS, AMENDMENTS, BILLING STATEMENTS, AND SO ON, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE AFOREMENTIONED PROJECT

(1A-10) **RESOLUTION NO. 2001-18** - CHANGE OF STREET ADDRESS CONFIRMING A FIR AVENUE ADDRESS OF 327 E. FIR AVENUE - DEVELOPMENT DEPARTMENT

(1A-11) \* **RESOLUTION NO. 2001-19** - 91<sup>ST</sup> AMENDMENT TO AAR NO. 2000-183 MOVING \$944,000 FROM CONTINGENCY IN THE WATER ENTERPRISE FUND AND INCREASING THE WASTEWATER OPERATING APPROPRIATIONS BY \$290,200 (**REQUIRES 5 AFFIRMATIVE VOTES**) - CITY MANAGER’S OFFICE/BUDGET DIVISION

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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With Council concurrence, the 10:30 a.m. hearing item has been continued to 1/30/2001 at 11:00 a.m.

Councilmember Calhoun questioned why the hearing was continued with Development Director Yovino stating a neighbor of the subdivision wanted to bring up an access alternative to the project. Acting President Ronquillo arrived at the meeting at 9:15 a.m.

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**(5A) APPROVE REAPPOINTMENT OF DR. SUDARSHAN KAPOOR TO THE HUMAN RELATIONS COMMISSION (*FOR ADOPTION*) - COUNCILMEMBER DUNCAN**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the reappointment of Dr. Sudarshan Kapoor to the Human Relation Commission hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5B) APPROVE APPOINTMENT OF PAUL BERNARD SMITH TO THE TOWER DISTRICT SPECIFIC PLAN IMPLEMENTATION COMMITTEE; APPOINTMENT OF GAIL GASTON TO THE HUMAN RELATIONS COMMISSION AS REPRESENTATIVE FROM DISTRICT 3; AND APPOINTMENT OF MARLIN KEELINGS TO THE SOUTHWEST ADVISORY COMMITTEE (*FOR ADOPTION*) - ACTING PRESIDENT RONQUILLO**

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above listed appointments hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5C) COUNCIL PRESIDENT TO APPOINT AD HOC EDUCATION COMMITTEE - COUNCIL PRESIDENT PEREA**

President Perea stated his vision of the committee would be an enhancement to what the Mayor is doing, focusing on education reform and wanted to open more dialog with various school districts. Councilmember Boyajian stated an important issue with Fresno Unified School District was a lack of park space in the inner-cities, putting lights in the facilities for after school programs and possibly share City budget issues with other school districts. After brief discussion, Councilmembers Duncan, Calhoun and Boyajian were appointed to the Ad Hoc Education Committee.

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**(5D) \* RESOLUTION NO. 2001-20 - 89<sup>TH</sup> AMENDMENT TO AAR NO. 2000-183 APPROPRIATING \$400 TO DISTRICT 1'S GENERAL FUND INFRASTRUCTURE BUDGET FROM FUNDS PREVIOUSLY DESIGNATED TO THE NEIGHBORHOOD YOUTH TAUGHT RESPONSIBILITY ORGANIZATION AND ETHICS PROGRAM (NYTRO) (*REQUIRES 5 AFFIRMATIVE VOTES*) - COUNCILMEMBER BOYAJIAN**

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2001-20 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5E) \* RESOLUTION NO. 2001-21 - 90<sup>TH</sup> AMENDMENT TO AAR NO. 2000-183 APPROPRIATING \$4,800 OF DISTRICT 1'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE TREE FRESNO PROJECT TO LANDSCAPE THE MEDIAN ISLAND AT SHIELDS AND FRUIT AVENUES (*REQUIRES 5 AFFIRMATIVE VOTES*) - COUNCILMEMBER BOYAJIAN**

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2001-21 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5F) RESOLUTION NO. 2001-28 - SUPPORTING GRANT APPLICATION FOR JOBS-HOUSING BALANCE IMPROVEMENT ECONOMIC DEVELOPMENT PLANNING GRANT PROGRAM (JHBIP) - COUNCILMEMBER RONQUILLO (*DISCUSSED AGAIN LATER*)**

Acting President Ronquillo apologized for the item being submitted to council late, stated the above resolution was an opportunity to receive \$100,000 grant from the State with a \$10,000 match for a variety including economic development and requested approval.

A motion to adopt the resolution was discussed.

Councilmember Calhoun expressed concern with not being provided enough time to review the material, stated there was no need to rush the item through and requested the item be laid over one week. Acting President Ronquillo stated the City was on a timeline and suggested continuing the discussion to the afternoon session. After brief discussion the item was laid over one week.

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**(5H) SET HEARING ON APPEAL OF PLANNING COMMISSION ACTION REGARDING APPLICATION NO. S-00-316, RELATING TO CONSTRUCTION OF A SELF-SERVICE AUTOMOBILE FUELING STATION, 5638 E. KINGS CANYON ROAD AT CLOVIS AVENUE - COUNCILMEMBER QUINTERO**

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above request has been scheduled for a hearing on February 6, 2001 at 3:30 p.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3A) CONSIDER ADOPTION OF BILL AMENDING SECTION 3-109 OF THE FRESNO MUNICIPAL CODE RELATING TO CONTRACTS OF SERVICES, WORK, EQUIPMENT, MATERIALS AND SUPPLIES; REPEALING RESOLUTION NO. 94-125 RELATED TO THE AUTHORIZATION OF THE CONTRACTING FOR PROFESSIONAL CONSULTING SERVICES BY CERTAIN OFFICIALS AND ESTABLISHMENT OF A POLICY REGARDING THE PRESENTATION OF PROFESSIONAL CONSULTING SERVICE CONTRACTS TO THE COUNCIL FOR ITS APPROVAL

1. \* **BILL NO. B-1 - (INTRO. 1/9/01)** - REQUIRING COUNCIL APPROVAL FOR EXPENDITURE OF CITY MONIES GREATER THAN THE AMOUNT APPLICABLE TO COMPETITIVE BIDDING AS SET FORTH IN CHARTER SECTION 1208, CURRENTLY \$31,000 AND ADJUSTED ANNUALLY (**ALTERNATIVE 1**)

2. \* **BILL NO. B-2 - (INTRO. 1/9/01)** - REQUIRING COUNCIL APPROVAL FOR EXPENDITURE OF CITY MONIES GREATER THAN \$100,000 (**ALTERNATIVE 2**)

City Attorney Montoy gave a brief explanation of the two alternatives.

A motion by Councilmember Calhoun to introduce a third alternative requiring Council approval for expenditures of City monies greater than \$50,000 was discussed . Ms. Montoy stated the amount could be changed in alternative 2, and the change would be introduced one week and placed on the Consent Calendar for adoption the following week.

Brief discussion ensued regarding the formation of the Blue Ribbon Committee as a result of litigation. Councilmember Boyajian expressed concern with contracts being awarded to the same people, stated Council needed more authority and requested Council approve Alternative 1.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, **RESOLVED, BILL NO. B-5 (Alternative 3)** requiring Council approval for expenditures of City monies greater than \$50,000 introduced before Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**APPROVE JOINT POWERS FINANCING AUTHORITY MINUTES OF JANUARY 9, 2001**

On motion of Member Duncan, seconded by Member Perea, duly carried, **RESOLVED**, the Joint Powers Financing Authority minutes of January 9, 2001, hereby approved, by the following voted:

Ayes	:	Duncan, Perea
Noes	:	None
Absent	:	Autry

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**RECESS - 9:42 A.M. -10:03 A.M.** Acting President Ronquillo arrived at 10:05 a.m.

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Council welcomed Fresno High School students and a class representative stated the group was the marketing academy.

**(10:00 A.M.#1) CONTINUED HEARING TO CONSIDER REZONING APPLICATION NO. R-00-05 AND ENVIRONMENTAL FINDINGS, FILED BY SCOTT ELLIS, JR., FOR 1.81 ACRE OF PROPERTY LOCATED AT 7525 N. CEDAR AVENUE**

**A. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-41**

**B. BILL NO. B-6-ORDINANCE NO. 2001-3 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-P/UGM/CZ ZONE DISTRICT TO THE R-P/UGM/CZ ZONE DISTRICT**

**(2-0)** President Perea announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Perea closed the hearing.

Planner Koo gave a brief overview. Councilmember Quintero left the meeting at 10:07 a.m.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, **RESOLVED**, the Categorical Exemption issued for Environmental Assessment No. R-00-005 hereby approved; and the above entitled Bill No. B-6 adopted as Ordinance No. 2001-3, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(10:00 A.M.#2) HEARING TO CONSIDER PLAN AMENDMENT APPLICATION NO. A-99-35, PROPOSING TO AMEND THE CITY'S GENERAL PLAN RESOURCE CONSERVATION ELEMENT TO UPDATE THE CITY'S MINERAL RESOURCE MANAGEMENT POLICIES**

**A. CONSIDER AND ADOPT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-99-35**

**B. RESOLUTION NO. 2001-23 - AMENDING THE GENERAL PLAN RESOURCE CONSERVATION ELEMENT TO UPDATE THE CITY'S RESOURCE MANAGEMENT POLICIES**

President Perea announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Quintero returned to the meeting at 10:09 a.m. Planner Brock gave a brief overview.

A motion to approve the Plan Amendment application was acted upon after brief discussion

Councilmember Boyajian questioned a letter received by Caltrans regarding providing notice when someone was mining the river as the current could undermine some of the bridges with Ms. Brock stating there was a requirement in the ordinance adopted in 1999 that the City consult with many agencies including Caltrans.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. A-99-35 hereby adopted; and the above entitled Resolution No. 2001-23 adopted , by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(10:10 A.M.) CONTINUED HEARING TO CONSIDER REZONING APPLICATION NO. R-00-41 AND ENVIRONMENTAL FINDINGS, FILED BY HEALD COLLEGES, FOR 5.66 ACRES OF PROPERTY LOCATED AT 255 W. BULLARD AVENUE**

**a. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-41**

**b. BILL NO. B-7- ORDINANCE NO. 2001-4 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C ZONE DISTRICT TO THE C-P /CZ ZONE DISTRICT**

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-00-41 hereby adopted; and the above entitled Bill No. B-7 introduced and adopted as Ordinance No. 2001-4, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**10:20 A.M.#1 TEFRA HEARING REGARDING THE ISSUANCE BY THE CALIFORNIA MOBILEHOME FINANCING AUTHORITY OF MOBILEHOME PARK REVENUE BONDS TO FINANCE THE ACQUISITION AND RENOVATION OF THE FRANCISCAN AND TOWNE & COUNTRY MOBILEHOME PARKS PROJECTS**

Continued to January 30, 2001 @ 10:20 a.m.

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**(10:30 A.M.) HEARING TO CONSIDER REZONING APPLICATION NO. R-00-036 AND ENVIRONMENTAL FINDINGS, FILED BY COLBURN THOMASON, FOR 19.4 ACRES OF PROPERTY LOCATED AT THE EAST SIDE OF N. VAN NESS BLVD. BETWEEN W. ALLUVIAL AND THE SAN JOAQUIN RIVER BLUFFS**

**A. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. T-4959, R-00-36, C-00-218**

**B. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-EH/BP/UGM ZONE DISTRICT TO THE R-1-A/BP/UGM AND R-1-A/UGM ZONE DISTRICTS**

At the request of the applicant, the above hearing continued to January 30, 2001 at 11:00 a.m

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**RECESS - 10:16 A.M. -10:45 A.M.**

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**(10:45 A.M.) CONTINUED HEARING TO CONSIDER REZONING APPLICATION NO. R-00-038 AND ENVIRONMENTAL FINDINGS, FILED BY TREND HOMES, INC., FOR 8.06 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF W. BULLARD AVENUE AND N. CARNEGIE AVENUE**  
**A. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-00-38**

**B. BILL NO. B-8 - ORDINANCE NO. 2001-5 AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM ZONE DISTRICT TO THE C-M/BA-15/UGM ZONE DISTRICT**

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planner Dilbeck gave a brief overview.

Speaking in support of the rezoning was Gary Giannetta, 1119 "F" Street, representing the applicant, who stated the property is designated for light industrial use any development that would occur until a site plan had to be approved by the neighbors. Also speaking to the issue were Ben Reyes, P.O. Box 4217, who presented a development plan and environmental assessment application dated in 1977 Trend Homes indicating Trend Homes wanted residential not light industrial; Joanne Gravano, 7402 W. Belmont, principle at Saroyan Elementary School, who expressed concern relating to traffic; Elmer Schull, 5773 N. Mesa Avenue, opposed project; Philip Ammann, 6194 N. Gregory, opposed; Alex Petuck, 6189 N. Gregory, opposed, stated another environmental survey needed to be done; and Martha Petuck, 6189 N. Gregory, opposed.

Upon call, no one else wished to be heard and President Perea closed the hearing.

A motion to approve the rezoning application was acted upon after brief discussion. Councilmember Calhoun stated he had attended several neighborhood meetings where the majority of the issues were addressed, stressed the land was originally designated for commercial use, stated the property owners will be noticed and will have a chance to voice their opinion on any development in that area. Councilmember Calhoun continued, stating the issues such as traffic and pollution will be addressed as the land is developed.

Councilmember Duncan questioned the Bullard Community Plan relating to the development of a 4-lane road, with Planning Manager Beach responding.

Brief discussion ensued regarding traffic problems and the widening of the area by the railroad tracks. Councilmember Boyajian questioned what type of businesses would be developed with Mr. McCaffrey responding, stating a market study still needed to be done.

City Attorney Montoy clarified for the record the approval or disapproval of the rezoning was a legislative act and the preparation of the Environmental Impact Report was required by a CEQA analysis and staff did conduct a review, not an outright EIR, and stated if substantial evidence was presented before Council that an EIR is required, then it might be required.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-00-038 hereby adopted; the Rezoning Application No. R-00-038 for C-M/BA-15/UGM/cz zoning approved, subject to the condition that any entitlement for development of the site be noticed to the neighborhood and considered by the Planning Commission and Council for final approval in public hearings; prior to any hearing, the developer shall meet with neighborhood representatives and present the development proposal to them for review and the meeting to be scheduled by their Council representative approved; and the above entitled Bill No. B-8 introduced and adopted as Ordinance No. 2001-5, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(11:00 A.M.) PRESENTATION BY PG & E REGARDING ENERGY SITUATION - COUNCIL PRESIDENT PEREA AND COUNCILMEMBER DUNCAN**

**A. COUNCIL DISCUSSION/DIRECTION REGARDING RESOLUTION OUTLINING RECOMMENDATIONS TO ADDRESS THE SITUATION**

President Perea expressed concern with rolling blackouts, stated Council had a responsibility to discuss the issue and requested recommendations that could be forwarded to the State with Councilmember Duncan concurring.

Craig Schmidt, Public Affairs Manager for PG&E, discussed the history of deregulation and how the outages came about, reviewed what the State was doing to keep businesses in California, and how PG&E bought power at a higher rate through asset accounts. Mr. Schmidt reviewed independent system operators, power exchange and how PG&E has a debt of \$7 billion and the effect on the company. He continued regarding Stage 3 alerts, stating everyday companies and families are leaving California due to shortage of energy and concluded, stating PG&E was on the brink of bankruptcy.

Council President Perea requested long term and short term solutions be sent to the legislators in Sacramento. Councilmember Quintero left the meeting at 11:41 a.m. and returned at 11:44 a.m.

Acting President Ronquillo stated the problem did not evolve overnight, discussed hydro-electric power and questioned the possibility of installing a pipeline to provide natural gas from Kern County to Fresno, with Mr. Schmidt stating PG&E has personnel to assist the City in revisiting hydro and natural gas with brief discussion ensuing. Councilmember Castillo left the meeting at 11:47 a.m.

Councilmember Duncan discussed the power industry of production, distribution and retail and the deregulation of the wholesale price. He continued with a brief review of Los Paloma and natural gas, building more power plants to meet demand, the PG&E website and demand and conservation of energy. Councilmember Duncan expressed concern with the future of the City being in the hands of politicians in Sacramento and suggested inviting a representative from the State of California to the next Council meeting to address energy issues. He also requested a resolution be prepared that would include an opportunity for the City and County of Fresno, the City of Clovis, and Madera Counties to enter into a joint agreement for the establishment of a municipal-owned utility plant. Councilmember Castillo returned to the meeting at 11:59 a.m.

Councilmember Calhoun discussed deregulation and invited PG&E to work closely with the City about what can be done in the short run, provide suggestions to meet conservation needs, and expressed concern with businesses leaving the area. Mr. Schmidt recommended each individual Councilmember write a letter to State legislators and request immediate action, with President Perea. concurring.

**(4-0)** President Perea questioned alternative energy sources, hydro-electric and Lake Millerton's capacity with Mr. Schmidt responding. Acting Public Utilities Director McIntyre stated the City's water pressures were decreased approximately two pounds across the board to reduce power consumption, and discussed the energy for the summer demand.

President Perea requested a resolution be prepared to indicate a long term solution and also begin a dialogue to make the City more sufficient and elaborated.

Councilmember Castillo directed staff to work with PG&E to prepare what criteria needed to be met for the City Council to be able to get together and declare a Stage 1 , or Stage 2 state of emergency, and to meet with the City of Clovis to work on ways to conserve energy.

Police Chief Winchester responded to questions, stated the department has additional resources available such as investigation and the traffic field in the event there was a power outage and expressed the possibility of being closer to an emergency situation due of the energy shortage this summer.

Speaking to the issue was Gloria Torrez, who stated she felt there was no shortage of energy and stated she would pursue 20 minute bus service on line 30, and spoke in support of diesel fuel for buses.

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**BREAK 12:27 P.M. - 1:59 P.M.** Councilmember Quintero arrived at 2:05 p.m and Acting President Ronquillo arrived at 2:11 p.m.

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**(5G) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2000-380 VETOED BY MAYOR PATTERSON ON JANUARY 2, 2001 (*COUNCIL ACTION TO OVERRIDE MAYORAL VETO REQUIRES 5 AFFIRMATIVE VOTES*) - COUNCIL PRESIDENT PEREA**

**1. RESOLUTION NO. 2000-380 - 8<sup>TH</sup> AMENDMENT TO SALARY RESOLUTION NO. 2000-186 REGARDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF FRESNO AND THE FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE UNIT 4**

Councilmember Castillo directed staff to return with documentation as to what departments the money would come from and made a motion to override the veto with a condition regarding the financial impact on other departments.

City Attorney Montoy stated any motion to override would require 5 votes and a motion to override cannot have conditions.

With Council concurrence the above-listed item will be discussed later in the meeting.

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## **(2:00 P.M.#1) CONTESTED CONSENT ITEMS**

**(1A-1) ACCEPT AUDIT REPORT BY BROWN ARMSTRONG CERTIFIED PUBLIC ACCOUNTANTS OF THE CITY OF FRESNO IMPACT FEE ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2000, AND REJECT ALL BIDS FOR AUDITING SERVICES - DEPT. OF ADMIN. SERVICES/FINANCE**

Councilmember Duncan commended staff on the job of providing the report, stated the audit provided a large amount of information for additional analysis, noting the UGM program was an example. Councilmember Duncan stated the UGM structure seemed to be old and outdated and questioned why the UGM funds were in Development and not with City's financial experts, what analysis has been done on the UGM system and recommended a nexus study on review of the fees.

Councilmember Castillo directed staff to return on January 30, 2001 with the Macias Audit for reconsideration.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the Audit Report by Brown Armstrong Certified Public Accountants of the City of Fresno Impact Fee Annual Report for fiscal year ended June 30, 2000 hereby approved, all bids for auditing services rejected; staff directed to return within 45 days with recommendations as to what changes to the UGM Program should be implemented with the report to include specific recommendations to move the financial management of the UGM to Finance and how it would be accomplished without additional spending from the General Fund; request input from the BIA as to a more efficient process of collecting, tracking and reimbursement of UGM fees; and propose a nexus study for the evaluation of the UGM fee structure that corresponds with the General Plan Update with the goal of having the UGM structure in place when the General Plan is completed hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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**(1A-12) \* RESOLUTION NO. 2001-24 - 92<sup>ND</sup> AMENDMENT TO AAR NO. 2000-183 APPROPRIATING \$24,000 FOR THE PUBLIC WORKS GRANT WRITER POSITION (*REQUIRES 5 AFFIRMATIVE VOTES*) - CITY MANAGER'S OFFICE/BUDGET DIVISION**

**a. \* RESOLUTION NO. 2001-25 - 14<sup>TH</sup> AMENDMENT TO PAR RESOLUTION NO. 2000-184 ADDING A GRANT WRITER POSITION TO THE PUBLIC WORKS DEPARTMENT**

Councilmember Calhoun questioned where the \$24,000 came from with Budget Manager Bruney responding. Acting President Ronquillo arrived at the meeting at 2:11 p.m. Brief discussion ensued regarding the City's need for a grant writer and the need to hire an official grant writer with experience.

Gene Zimmerman, FCEA Business Manager, requested that the position be in the FCEA bargaining unit should the grant writer position be established.

Councilmember Calhoun expressed concern relating to the way the City uses money, stated the position should be budgeted for during the next budget process and felt now was not the appropriate time.

On motion of Councilmember Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2001-24 and 2001-25 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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**(1A-13) \* RESOLUTION NO. 2001-26 - 5<sup>TH</sup> AMENDMENT TO AAR NO. 2000-183 APPROPRIATING \$14,600 TO ADD AN ACCOUNTING TECHNICIAN POSITION TO THE RETIREMENT ADMINISTRATION DIVISION FOR THE ADMINISTRATION OF THE DEFERRED COMPENSATION PROGRAM (*REQUIRES 5 AFFIRMATIVE VOTES*) - CITY MANAGER'S OFFICE/BUDGET DIVISION**

**1.\* RESOLUTION NO. 2001-27 - 15<sup>TH</sup> AMENDMENT TO PAR NO. 2000-184 ADDING AN ACCOUNTING POSITION TO THE RETIREMENT DIVISION TO ADMINISTER THE CITY'S DEFERRED COMPENSATION PROGRAM**

Councilmember Calhoun expressed concern with the fiscal impact of the position with Budget Manager Bruney responding. (5-0) City Attorney Montoy explained the Retirement Boards were separate entities and Retirement Administrator McDivitt gave a brief history of the Retirement systems.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2001-26 and 2001-27 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(5G) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2000-380 VETOED BY MAYOR PATTERSON ON JANUARY 2, 2001 (*COUNCIL ACTION TO OVERRIDE MAYORAL VETO REQUIRES 5 AFFIRMATIVE VOTES*) - COUNCIL PRESIDENT PEREA**

**1. RESOLUTION NO. 2000-380 - 8<sup>TH</sup> AMENDMENT TO SALARY RESOLUTION NO. 2000-186 REGARDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF FRESNO AND THE FRESNO POLICE OFFICERS ASSOCIATION, NON-SUPERVISORY POLICE UNIT 4**

A motion by Councilmember Castillo, seconded by Acting President Ronquillo, who later withdrew his second, to approve the FPOA MOU conditioned upon adoption of a resolution addressing the financial impact of such contract within thirty days was acted upon after brief discussion.

City Attorney Montoy stated to approve an override motion would be to approve the exact legislative action that was taken and to add a condition would be making a new motion.

President Perea questioned whether 30 days would be enough to time to provide information as to where the funding of \$3.3 million would come from this fiscal year with Budget Manager Bruney stating a workshop will be scheduled in the future to provide a financial overview to include estimates of where the City was this fiscal year, where the City would end up and also review next year's budget with brief discussion ensuing.

Councilmember Quintero stated a report had previously been requested from the Police Department regarding providing funds for the new agreement within that budget, with no response to date. Councilmember Quintero questioned whether FPOA hired an auditor to see if money was available with Larry Bertao, FPOA Past President, responding. Councilmember Boyajian expressed the importance of audits.

Councilmember Duncan expressed concern that there was no money budgeted for the appropriation resolution through the last budget process, and stated his support of the MOU and the new motion.

On motion of Councilmember Castillo, seconded by Council President Perea, duly carried, RESOLVED, the Fresno Police Officers Association (FPOA) Memorandum of Understanding (MOU) hereby approved conditioned upon adoption of the annual appropriation resolution (AAR) addressing financial impact of such contract within 30 days, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Perea
Noes	:	Calhoun, Quintero, Ronquillo,
Absent	:	None

Council President Perea encouraged Council Budget Committee to meet with Human Resources and the Police Department to resolve issues prior to making presentation before Council.

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The City Council adjourned at 3:09 p.m. and met in joint session with the Redevelopment Agency.

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**(2:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**APPROVE AGENCY MINUTES OF JANUARY 9, 2001**

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the minutes of January 9, 2001, approved as submitted.

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**(2:45 P.M. "B") REPORT ON VILLA HERMOSA PROJECT RELATING TO LINCOLN HEIGHTS PROPERTY/TALL TREE TENANT TRAILER AND REQUEST FOR STAFF DIRECTION RELATING TO REQUEST FOR RELIEF FROM GOVERNMENTAL LIENS (\$95,048) AND REQUEST FOR \$250,000 ADDITIONAL FUNDING - ACTING PRESIDENT RONQUILLO (COUNCIL AND AGENCY ACTION)**

Acting President Ronquillo requested the item be removed from the agenda.

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**(2:45 P.M.) PRESENTATION OF REQUEST BY PRESIDING JUSTICE JAMES A. ARDAIZ OF CALIFORNIA STATE COURT OF APPEAL, FIFTH APPELLATE DISTRICT, REGARDING THE SPACE NEEDS OF THE COURT AND CONSIDERATION OF EATON PLAZA AS POTENTIAL SITE FOR NEW STATE COURTHOUSE, AND DIRECTION TO EXECUTIVE DIRECTOR**

Acting President Ronquillo questioned why the above-listed item was placed under the Redevelopment Agency since it was City-owned property with President Perea stating there were issues that interacted with the City and Redevelopment Agency. City Attorney Montoy stated this was a partnership type of project.

Justice James A. Ardaiz stated the Court has been at their current site for ten years, stated the Federal Court will be built on land north of the land currently occupied into the Court of Appeal, whereby the original plan was to build a skywalk across to the Federal Court. Judge Ardaiz stated the Federal Court now inhibits the expansion space for the Court of Appeal, and now the Court of Appeals needed property, adding the Court of Appeals requested and received funds from the State of California, has a plan in place and is requesting to purchase City property, specifically Eaton Plaza.

Judge Ardaiz proposed the Court of Appeal be permitted to purchase an approximate two acre site on Eaton Plaza and with the extra money build a park which would facilitate the development of the downtown community and elaborated. Judge Ardaiz stated in order to enter into negotiations with the State of California, the Court of Appeals would need a letter from the City agreeing to consider the proposal.

Speaking to the issue was Victoria Gonzales, Downtown Association, who requested more public meetings and architectural drawings before any decisions were made.

Councilmember Castillo questioned whether the Armenian Town Development was being considered as an option with Judge Ardaiz stating there were a number of negatives with the site and elaborated. Councilmember Castillo expressed concern with conditions being placed on the City with the additional two remaining acres with Judge Ardaiz stating there would be a joint voice in building on the land.

Extensive discussion ensued regarding more research and study needing to be done, to include public input, researching other sites and keeping the area a park environment.

Councilmember Duncan emphasized the action Council needed today was only to approve a letter of intent to begin negotiations. Councilmember Ronquillo questioned the amount of parking, stated the parking situation should be researched, and Council needed to review a model of the project before submitting a letter of intent.

Councilmember Quintero questioned obtaining other property possibly by eminent domain, with Judge Ardaiz stating the Court of Appeals did not want to take property from anyone.

Councilmember Duncan stated the Council was committed to revitalizing the downtown area and proposed the Redevelopment Agency set a three member committee consisting of Councilmembers Ronquillo, Perea and Duncan to begin dialogue on the project and return in two weeks with a report. Councilmember Calhoun left the meeting at 3:57 p.m.

Councilmember Ronquillo reiterated the request to provide the square footage and a model of the project.

**(7-0)** On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a three member committee consisting of Councilmembers Ronquillo, Perea and Duncan hereby appointed to discuss the pros and cons of Eaton Plaza as the potential site for the new State Courthouse, and return in two weeks with a report and recommendations, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Calhoun

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The joint meeting with the Redevelopment Agency adjourned at 4:08 p.m. and the City Council reconvened in regular session.

**(5F) RESOLUTION NO. 2001-28 - SUPPORTING GRANT APPLICATION FOR JOBS-HOUSING BALANCE IMPROVEMENT ECONOMIC DEVELOPMENT PLANNING GRANT PROGRAM (JHBIP) - COUNCILMEMBER RONQUILLO (CONTINUED DISCUSSION FROM EARLIER IN MEETING)**

Councilmember Calhoun returned to the meeting at 4:09 p.m.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun the above listed item hereby placed back on the agenda for reconsideration, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Councilmember Calhoun expressed concern with the lack of time to review the item, but agreed to have the item placed back on the agenda.

On motion of Acting President Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2001-28 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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**(3:15 P.M.) REQUEST CITY MANAGER TO DIRECT STAFF TO RETURN ON 1/30/01 WITH THE APPROPRIATION BUDGET RESOLUTION APPROPRIATING \$1.8 MILLION FROM THE STATE OF CALIFORNIA FOR THE RELINQUISHMENT OF VENTURA/KINGS CANYON ROAD FROM STATE ROUTE 99 TO CHESTNUT AVENUE - COUNCILMEMBER QUINTERO**

Councilmember Quintero stated a recommendation was made to have the Council Budget Committee make a determination in terms of which projects to research, appropriate money and return to Council with a report and an appropriation resolution in two weeks. Councilmember Duncan stated for the record he had received a memo from the Public Works Department listing several projects involving street repairs and questioned why they were not funded with UGM fees, with Public Works Director Williamson responding.

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**(3:30 P.M.) APPEARANCE BY GARY TIMAN VIGEN TO DISCUSS AND REQUEST ACTION REGARDING THE REDEVELOPMENT OF SANTA FE FROM MONO TO TULARE STREETS AND THE AMTRAK STATION**

A brief discussion ensued regarding the amount of time Mr. Vigen would have for his presentation with President Perea stating a presentation was previously made and Council would allow Mr. Vigen three minutes for this presentation. Mr. Vigen stated more time was needed.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, Mr. Vigen provided an additional seven minutes to make his presentation, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

Gary Vigen gave an extensive review of the remodeling of the old depot, the building of a new Amtrak Station, discussed plans for the existing station, the spending of C.T.C. funds effectively and providing a transportation system that would work for the downtown.

Speaking to the issue were Chris Mathys, San Joaquin Valley Taxpayers Association, who spoke in support of the redevelopment of the old depot and the building of a new Amtrak Station; John Lawson, C.T.C. spoke in support of building a new station; and Susan Good, representing Senator Jim Costa, read a letter from Senator Costa into the record emphasizing the option to use allocated state funds to rehabilitate the Santa Fe Depot for an Amtrak Station or to construct a new station, but now a combination of both.

Councilmember Castillo left the meeting at 4:34 p.m. Councilmember Boyajian questioned the change of direction of rehabilitating the old depot with Mr. Vigen responding. Extensive discussion ensued regarding the previous Council direction.

A motion to maintain previous Council direction to rehabilitate the Santa Fe Depot for an Amtrak Station was voted upon after brief discussion.

Councilmember Ronquillo concurred with the rehabilitation of the old depot, and stated staff should continue with the previous course. **(8-0)**

Speaking to the issue were Ed Eames, A.D.A. Advisory Council, who spoke in support of the new station concept; and Jeanette Jurkovich, 1130 W. Roberts who supported rehabilitation of old depot.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the previous decision to rehabilitate the Santa Fe Depot for an Amtrak Station hereby reaffirmed, by the following vote:

Ayes	:	Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun
Absent	:	None

Council President Perea requested staff provide a timeline for rehabilitation of the depot. Acting President Ronquillo left the meeting at 4:57 p.m. and returned at 5:09 p.m.

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**(4:25 P.M.) APPEARANCE BY BARBARA HUNT TO DISCUSS INTERNATIONAL FIREFIGHTERS**

Not present when called.

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**(4:30 P.M.) APPEARANCE BY GEORGE AND MICHAEL DONOVAN ON MIXED-USE OFFICE/RETAIL SITE PLAN LOCATED ON THE SOUTHEAST CORNER OF HERNDON AND PALM AVENUES**

City Attorney Montoy stated in reading the item, the City Council had no jurisdiction to hear or comment on a site plan, noted the matter had to first go through the staff process, through the environmental assessments and then public hearings.

Development Director Yovino gave a brief overview and reviewed the conditions, stated the applicants have met with staff and applicants have been meeting and working with the neighborhood to perfect their site plan.

Scott Mullmore, 4630 W. Jacklin, representing the project, reviewed the history of the project after Council approved the rezone, discussed conditions for the rezone, turn lanes and market study.

Brief discussion ensued regarding the fact the Council appearance was premature as Council could not take any action. President Perea exercised his prerogative as President to close discussion until the issue was brought before the Council at the appropriate time.

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**(2:00 P.M.) CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6**

**CITY NEGOTIATOR(S):** JORGE AGUINIGA, ANDREW T. SOUZA AND MATTHEW GARGIULO  
**EMPLOYEE ORGANIZATION(S):** 1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753  
NON-MANAGEMENT FIRE (IAFF) 2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753  
FIRE MANAGEMENT (IAFF)

**B. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -  
GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (C) 1. CASE NAME: CITY V. CITY OF  
CLOVIS, LAFCO, AND COUNTY OF FRESNO**

**C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE  
SECTION 54956.9, SUBDIVISION (A) 1. CASE NAME: DMP DEVELOPMENT CORP. INC. V. CITY OF  
FRESNO 2. CASE NAME: A.H.D.C. V. CITY OF FRESNO, ET AL.**

The above listed closed session items laid over one week.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 5:14 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2001.

\_\_\_\_\_  
Henry Perea, Council President

ATTEST: \_\_\_\_\_  
Cindy Hamby, Deputy City Clerk